

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)
)
Michael Franklin El Jones, M.D.)
)
Physician's and Surgeon's)
Certificate No. C 36511)
)
Respondent)

Case No. 16-2012-222664

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 24, 2012.

IT IS SO ORDERED September 17, 2012.

MEDICAL BOARD OF CALIFORNIA

By: _____

**Linda K. Whitney,
Executive Director**

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5636
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 16-2012-222664

11 **MICHAEL FRANKLIN EL JONES, M.D.**

12 **Box 3204**
13 **Sioux City, IA 51101**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate**
15 **No. C 36511**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
22 California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Esther H. La,
24 Deputy Attorney General.

25 2. Michael Franklin El Jones, M.D. (Respondent) is represented in this proceeding by
26 attorney Gregory Abrams, whose address is Pacific West Group, LLP, 2645 Shirley Drive,
27 Oakland, CA, 94611.
28

3. On or about May 27, 1975, the Board issued Physician's and Surgeon's Certificate No. C 36511 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 16-2012-222664 and will expire on April 30, 2013, unless renewed.

JURISDICTION

4. Accusation No. 16-2012-222664 (Accusation) was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 28, 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 16-2012-222664, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. C 36511 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph. It shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile or electronic copies of this Stipulated Surrender of License and Order, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 36511, issued to Respondent Michael Franklin El Jones, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 16-2012-222664 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 16-2012-222664 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Gregory Abrams. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: August 14, 2012 Michael L. E. Jones M.D.
MICHAEL FRANKLIN EL JONES, M.D.
Respondent

I have read and fully discussed with Respondent Michael Franklin El Jones, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: August 30, 2012 G. Abrams
GREGORY ABRAMS
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: *August 27, 2012*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

Esther H. LA
ESTHER H. LA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 16-2012-222664

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO JUNE 28 2012
BY: H. MONTALBANO ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 16-2012-222664

13 **MICHAEL FRANKLIN EL JONES, M.D.**
14 Box 3204
Sioux City, IA 51101

ACCUSATION

15 Physician's and Surgeon's Certificate
No. C 36511

Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
22 2. On or about May 27, 1975, the Medical Board of California issued Physician's and
23 Surgeon's Certificate No. C 36511 to Michael Franklin El Jones, M.D. (Respondent). Said
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on April 30, 2013, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board),¹ Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

5. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

¹. The term "Board" means the Medical Board of California; "Division of Medical Quality" shall also be deemed to refer to the Board.

1 disciplinary action taken against the licensee by another state, an agency of the federal
2 government, or another country.”

3 7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/
4 surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
5 disciplinary action during the period within which the license may be renewed, restored, reissued
6 or reinstated.

7 CAUSE FOR DISCIPLINE

8 (Discipline, Restriction, or Limitation Imposed by Another State)

9 8. On or about March 29, 2012, the Iowa Board of Medicine (Iowa Board) and
10 Respondent entered into a Settlement Agreement to resolve charges that Respondent, during 2010
11 and 2011, had indiscriminately or promiscuously prescribed controlled substances to two female
12 acquaintances without establishing an appropriate physician-patient relationship, without seeing
13 them in a clinical setting, without performing a physical examination, and without maintaining
14 medical records for them, and also charges that Respondent had failed to respond to the Iowa’s
15 Board investigation in a timely manner. The terms of the Settlement Agreement provided for,
16 among other things, the following: Respondent was cited for inappropriately prescribing
17 controlled substances to two individuals without establishing an appropriate physician-patient
18 relationship, violating appropriate professional boundaries, and failing to respond to a Board
19 investigation in a timely manner; Respondent was required to pay a civil penalty in the amount of
20 \$7,500.00; Respondent was required to undergo a comprehensive physical, neuropsychological,
21 mental health and professional boundaries evaluation and comply with any recommendation of
22 the evaluation program and the Board following completion of the evaluation; Respondent was
23 prohibited from prescribing, administering or dispensing any controlled substances under his
24 Iowa medical license; Respondent was required to complete a record-keeping course; Respondent
25 was required to complete a Professional/Problem Based Ethics (PROBE) program; and
26 Respondent was placed on probation for five years with conditions, including, but not limited to,
27 establishing and complying with an Iowa Board monitoring program, undergoing continued
28 Board-approved professional boundaries counseling, and establishing a worksite monitor program

1 with the Iowa Board. A true and correct copy of the March 29 2012 Settlement Agreement is
2 attached hereto as Exhibit A.

3 9. Respondent's conduct and the action of the Iowa Board as set forth in paragraph 8,
4 above, constitute grounds for disciplinary action for unprofessional conduct within the meaning
5 of Code section 2305 and grounds for disciplinary action within the meaning of Code section
6 141(a).

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:

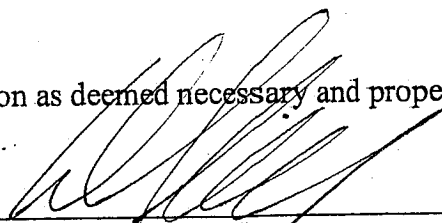
10 1. Revoking or suspending Physician's and Surgeon's Certificate No. C 36511, issued to
11 Michael Franklin El Jones, M.D.;

12 2. Revoking, suspending or denying approval of Michael Franklin El Jones, M.D.'s
13 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

14 3. Ordering Michael Franklin El Jones, M.D., if placed on probation, to pay the costs of
15 probation monitoring; and

16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: June 28, 2012


18 LINDA K. WHITNEY
19 Executive Director
20 Medical Board of California
21 Department of Consumer Affairs
22 State of California
23 Complainant

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27
28

Exhibit A

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL F.E. JONES, M.D., RESPONDENT

FILE NO. 02-10-596

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Michael F.E. Jones, M.D., (Respondent), and on March 29, 2012, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the pending charges in this matter. _

1. Respondent was issued Iowa medical license No. 18361 on July 1, 1971.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2013.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who practices otolaryngology in multiple locations, including Sioux City and Waterloo, Iowa.

5. On November 18, 2011, the Board filed formal disciplinary charges against Respondent alleging that he:

- A. Indiscriminately or promiscuously prescribing controlled substances when he prescribed multiple controlled substances to a female acquaintance on at least four occasions in 2010 and 2011 without establishing an appropriate physician-patient relationship; without seeing the patient in a clinical setting; without performing a physical examination and without maintaining a medical record. Respondent had established a social relationship with the female acquaintance and was aware that she had a history of drug abuse. Respondent signed the prescriptions after the female acquaintance filled out the prescriptions on Respondent's prescription pad and Respondent paid for the prescriptions when they were filled.
- B. Indiscriminately or promiscuously prescribed controlled substances when he prescribed controlled substances to a second female acquaintance on at least three occasions in November 2010 without establishing an appropriate physician-patient relationship; without seeing the patient in a clinical setting; without performing a physical examination and without maintaining a medical record. Respondent had established a social relationship with the second female acquaintance.

C. Engaging in unethical and/or unprofessional conduct when he violated appropriate professional boundaries by prescribing controlled substances to two female acquaintances outside of an appropriate physician-patient relationship.

D. Failure to respond to the Board's investigation of this matter in a timely manner when he failed to respond to numerous requests for an interview and/or further investigative information made by a Board investigator.

6. On January 18, 2012, Respondent voluntarily surrendered his Iowa Controlled Substance Act registration number 1214360.

7. Respondent has filed an answer denying all charges.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for inappropriately prescribing controlled substances to two individuals without establishing an appropriate physician-patient relationship, violating appropriate professional boundaries, and failing to respond to a Board investigation in a timely manner in violation of the laws and rules governing the practice of medicine. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a \$7,500 civil penalty within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall

be deposited into the State General Fund.

10. **PROFESSIONAL BOUNDARIES EVALUATION:** Respondent shall schedule a Board-approved comprehensive physical, neuropsychological, mental health and professional boundaries evaluation at BMI in Atlanta within fifteen (15) days and shall complete the evaluation within sixty (60) days of the date of this order. If Respondent fails to complete the Board-approved evaluation within sixty (60) days of the date of this Order, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

11. **CONTROLLED SUBSTANCES:** Respondent shall not prescribe, administer or dispense any controlled substance under his Iowa medical license.

12. **RECORD KEEPING COURSE:** Respondent shall schedule a Board-approved record keeping course within fifteen (15) days and complete the record keeping course within sixty (60) days of the date of this order. If Respondent fails to complete the Board-approved evaluation within sixty (60) days of the date of this Order, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the

date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

13. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, 303-577-3232, within ninety (90) days of the date of this order. Respondent shall ensure that a report is sent directly to the Board. Respondent is responsible for all costs associated with the program. If Respondent fails to complete the Board-approved evaluation within ninety (90) days of the date of this Order, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

14. **FIVE YEARS PROBATION:** Respondent shall be placed on probation for a period of five (5) years subject to the following conditions:

A. **Board Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a Board monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program. If Respondent

fails to establish a Board monitoring program within thirty days of the date of this Order or fails to fully comply with the Board monitoring plan, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

B. **Compliance with Professional Boundaries Recommendations:** Respondent shall fully comply with all recommendations made the Board-approved assessment program following his professional boundaries evaluation.

C. **Counseling:** Respondent shall submit the name and CV of a counselor to provide continuing Board-approved professional boundaries counseling under the following terms and conditions:

- 1) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board;
- 2) Respondent shall continue counseling until his discharge is approved by the Board;
- 3) The counselor shall agree to submit written quarterly reports to the Board concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation; and
- 4) Respondent is responsible for all costs associated with the counseling.

D. **Worksite Monitoring Program:** Respondent shall establish a worksite monitoring program with the Board.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes or supervises him in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of a violation of professional boundaries or a violation of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order. The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The worksite monitor shall be given written notice of the date, time and location for the appearances. Appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

E. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order, including attendance at meetings with his counselor. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.

F. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

G. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report required under this Order. The monitoring fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

15. Respondent voluntarily submits this Order to the Board for consideration.

16. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

17. In the event Respondent violates or fails to comply with the terms of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa license or impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.

18. This Order constitutes the resolution of a contested case proceeding.

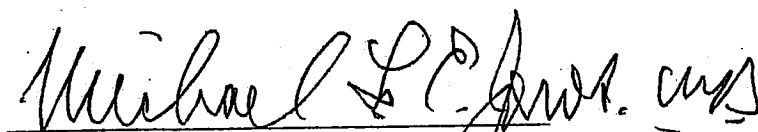
19. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

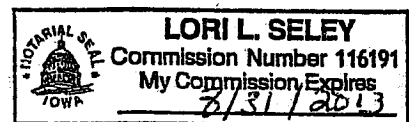
Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

20. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

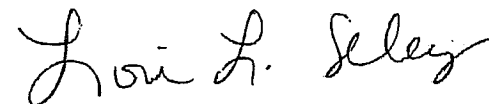
21. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

22. The Board's approval of this Order shall constitute a **Final Order** of the Board.


Michael F.E. Jones, M.D., Respondent

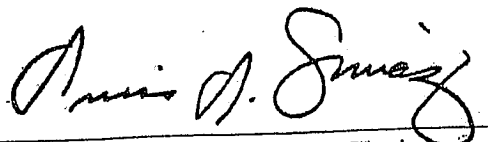


Subscribed and sworn to before me on March 15, 2012.



Notary Public, State of Iowa.

This Order is approved by the Board on March 29, 2012.

A handwritten signature in black ink, reading "Siroos S. Shirazi". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Siroos S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686